

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUFUS E. DENNIS,

Defendant.

8:20CR72

ORDER

This matter is before the Court on defendant Rufus E. Dennis's ("Dennis") Motion to Dismiss Counts I and III (Filing No. 59) of the Indictment (Filing No. 14) pursuant to Federal Rule of Criminal Procedure 12(b)(3)(B)(v) (failure to state an offense), which the Court permitted him to file out of time (Filing No. 58).

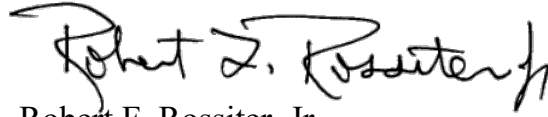
The Court has reviewed Dennis's motion and brief as well as the government's Brief in Response to Defendant's Motion to Dismiss (Filing No. 61). Having reviewed the parties' briefing and arguments on the matter, the motion is denied. The Court agrees with the government that Dennis's motion, in essence, seeks relief relating to the sufficiency of the evidence and would be more properly taken up through a timely motion under Federal Rule of Criminal Procedure 29(a).

Defendant's motion (Filing No. 59) is therefore denied without prejudice to reassertion at the proper time under Rule 29.

IT IS SO ORDERED.

Dated this 19th day of July 2021.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge